

## PMVictoriaESPPEm Resource

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**From:** Terry, Tomeka  
**Sent:** Monday, August 08, 2011 3:25 PM  
**To:** VictoriaESP Resource  
**Subject:** FW: Exelon Generation Co (UNCLASSIFIED)  
**Attachments:** Final PJD Ltr.pdf; document2011-07-29-134833.pdf

-----Original Message-----

From: Hudson, Jayson M SWG [<mailto:Jayson.M.Hudson@usace.army.mil>]  
Sent: Wednesday, August 03, 2011 10:25 AM  
To: Terry, Tomeka  
Subject: Exelon Generation Co (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Tomeka,

Our Corpus Christi Field office has completed the preliminary jurisdictional determination for the Exelon site. Attached is a copy of this determination for your records.

If there is anything else you may need for the Corps as this time, please do not hesitate to contact me.

Thanks,

Jayson M. Hudson  
Office: 409.766.3108 Fax 409.766.3931  
To assist us in improving our service to you, please complete the survey found at  
<http://per2.nwp.usace.army.mil/survey.html>  
Please Consider the Environment Before Printing

Classification: UNCLASSIFIED  
Caveats: NONE

**Hearing Identifier:** Victoria\_ESP\_Public  
**Email Number:** 348

**Mail Envelope Properties** (0A64B42AAA8FD4418CE1EB5240A6FED13E6257D3A8)

**Subject:** FW: Exelon Generation Co (UNCLASSIFIED)  
**Sent Date:** 8/8/2011 3:25:03 PM  
**Received Date:** 8/8/2011 3:25:12 PM  
**From:** Terry, Tomeka

**Created By:** Tomeka.Terry@nrc.gov

**Recipients:**  
"VictoriaESP Resource" <VictoriaESP.Resource@nrc.gov>  
Tracking Status: None

**Post Office:** HQCLSTR02.nrc.gov

| Files                         | Size    | Date & Time         |
|-------------------------------|---------|---------------------|
| MESSAGE                       | 855     | 8/8/2011 3:25:12 PM |
| Final PJD Ltr.pdf             | 2220160 |                     |
| document2011-07-29-134833.pdf |         | 1005874             |

**Options**  
**Priority:** Standard  
**Return Notification:** No  
**Reply Requested:** No  
**Sensitivity:** Normal  
**Expiration Date:**  
**Recipients Received:**



**DEPARTMENT OF THE ARMY**  
**GALVESTON DISTRICT, CORPS OF ENGINEERS**  
**CORPUS CHRISTI REGULATORY FIELD OFFICE**  
5151 FLYNN PARKWAY, SUITE 306  
CORPUS CHRISTI TX 78411-4318

July 28, 2011

REPLY TO  
ATTENTION OF:

Corpus Christi Regulatory Field Office

SUBJECT: Jurisdictional Determination SWG-2008-00694

Exelon Generation Company, LLC  
Attn: Mr. Joshua Trembley  
200 Exelon Way, KSA1-E  
Kennett Square, PA 19348

Dear Mr. Trembley:

This is in reference to a September 9, 2010 letter, by which Exelon Generation Company, LLC submitted a wetland delineation report and requested a preliminary jurisdiction determination (PJD) pursuant to Section 404 of the Clean Water Act for an approximate 11,000 acre nuclear power plant project area. The project area and subject wetlands and waters are located approximately 13 miles south of Victoria, on the east side of State Highway 77, Victoria County, Texas, as shown on the attached 16 sheets.

We have counter executed the PJD form that was attached to our letter, dated May 13, 2011, and subsequently provided in your letter dated June 2, 2011. Accordingly, please find attached your copy of the final executed PJD form. The wetlands and waters contained in this PJD are subject to regulation under Section 404 of the Clean Water Act. As such, a Department of the Army permit is required prior to the discharge of dredged or fill material into these subject wetlands and waters. Please note that this PJD pertains to those wetland areas that could be disturbed, and does not include all jurisdictional wetlands and waters which are in the project area but outside the "Limit of Disturbance" as shown on the attached Figure 1, titled "Conservative Limit of Disturbance – VCS Preliminary Jurisdictional Determination (PJD) Request". Jurisdictional wetlands also occur outside the Limit of Disturbance area and are not included in this PJD, except for wetland Wp1, which may be used to support future mitigation planning activities.

Corps determinations are conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular sites. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

Although PJD's are not appealable, the enclosed combined Notification of Administrative Appeal Options and Process and Request for Appeal form contains procedural information for PJD's. Please reference determination number **SWG-2008-00694** in future correspondence pertaining to this subject.

If you have any questions concerning this determination, please contact John Wong at the letterhead address or by telephone at 361-814-5847. To assist us in improving our service to you, please complete the survey found at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Mullins', written over a horizontal line.

Lloyd Mullins  
Supervisor  
Corpus Christi Regulatory Field Office

Enclosures

Copy Furnished:

Mr. Jayson Hudson, CESWG-PE-RB

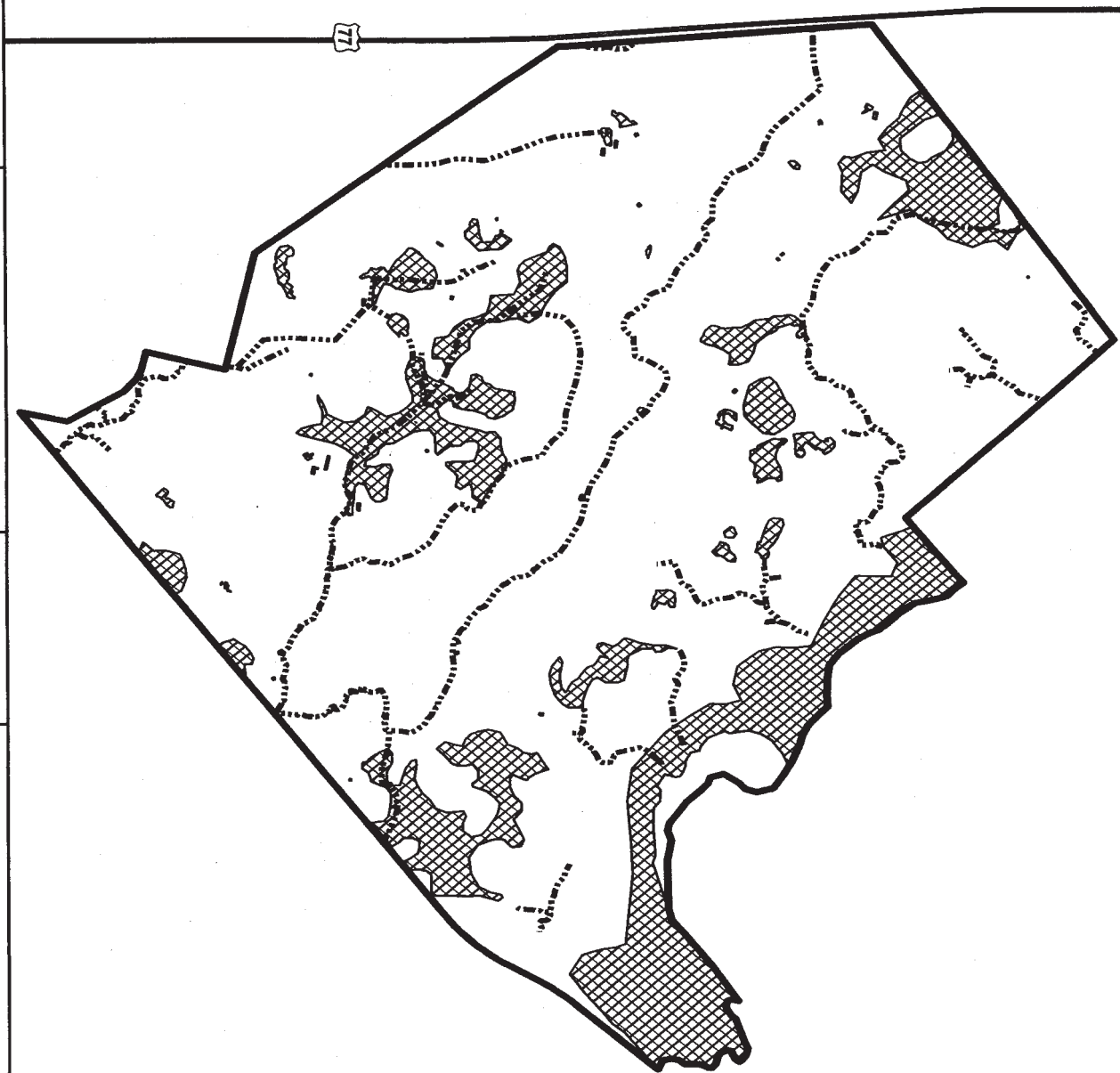


**Figure 1. Conservative Limit of Disturbance -  
VCS Preliminary Jurisdictional Determination (PJD) Request**



### Notes:

1. The "Conservative Limit of Disturbance" presented herein is provided for the sole purpose of delineating those wetlands that are included in the VCS PJD request. See VCS Early Site Permit (ESP) Application Environmental Report (ER) Figure 4.1-1 for the anticipated VCS Construction Area of Disturbance.
2. Although wetland Wp1 is located beyond the Conservative Limit of Disturbance, Exelon is requesting a preliminary determination of the jurisdictional status to support future mitigation planning activities.
3. This figure is adapted from VCS ESP Application ER Figure 2.3.1-11 "Existing Streams and Wetlands".
4. Figure 1 was revised to Rev. 1 on 7/8/11 by Joshua Trembley of Exelon, replacing Figure 1 in Exelon's June 2, 2011 letter to the USACE.



**Legend**

-  Site Boundary
-  Wetlands
-  Streams



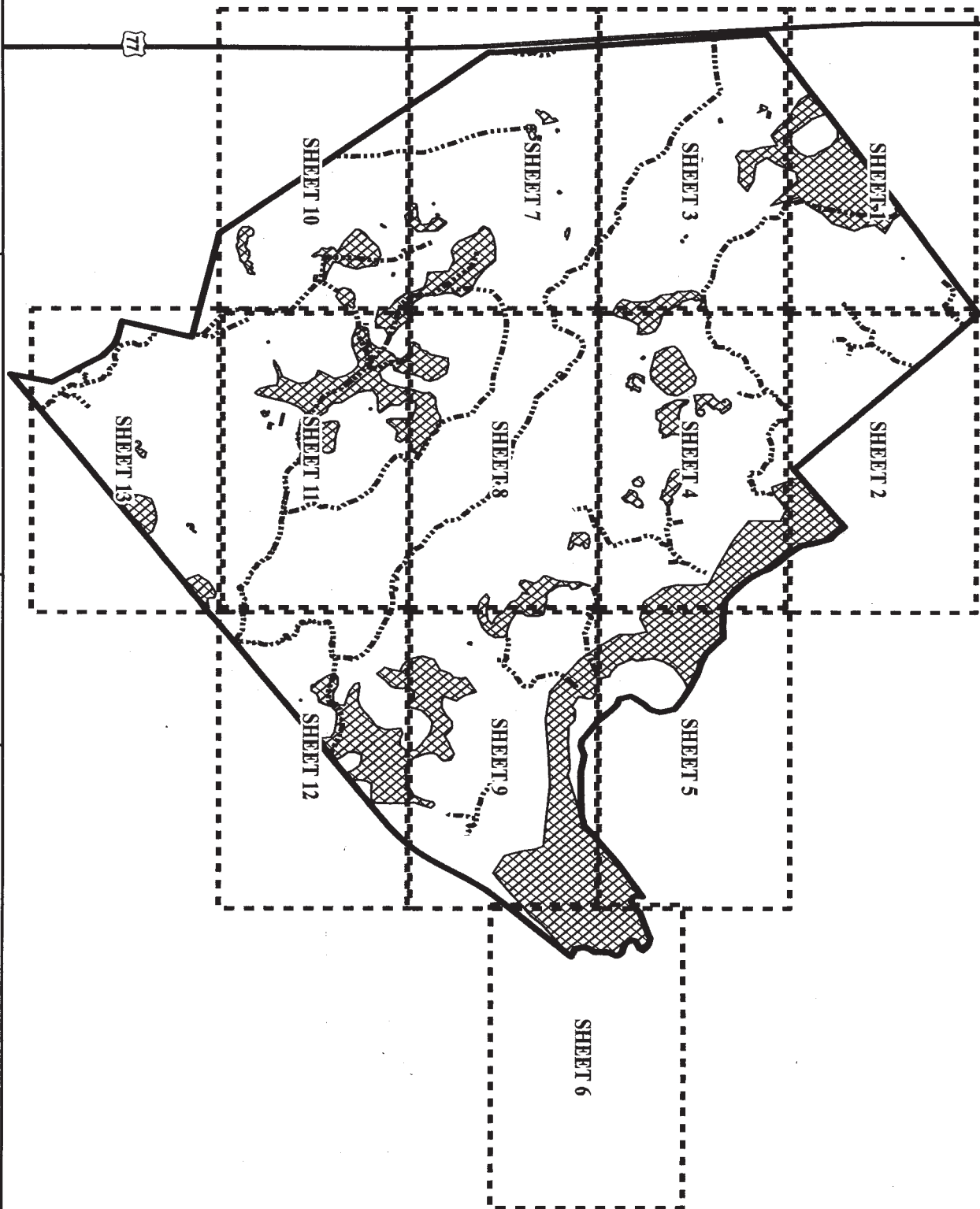
Figure 4. Aquatic Resources Overview for Main Site, Victoria County Texas

Prepared For: **Exelon Generation Company, LLC**

Prepared By:  **TETRA TECH**

Date: 11/09

SWG-2008-00694  
 Exelon Generation Co., LLC  
 Victoria County  
 Sheet 2 of 16  
 07/27/11



# Legend

- Site Boundary
- Sheet Boundaries
- Wetlands
- Streams

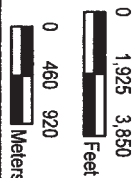


Figure 4. Sheet Key for Main Site, Victoria County, Texas.

Prepared For:  
Exelon Generation Company, LLC

Prepared By:  
TETRA TECH

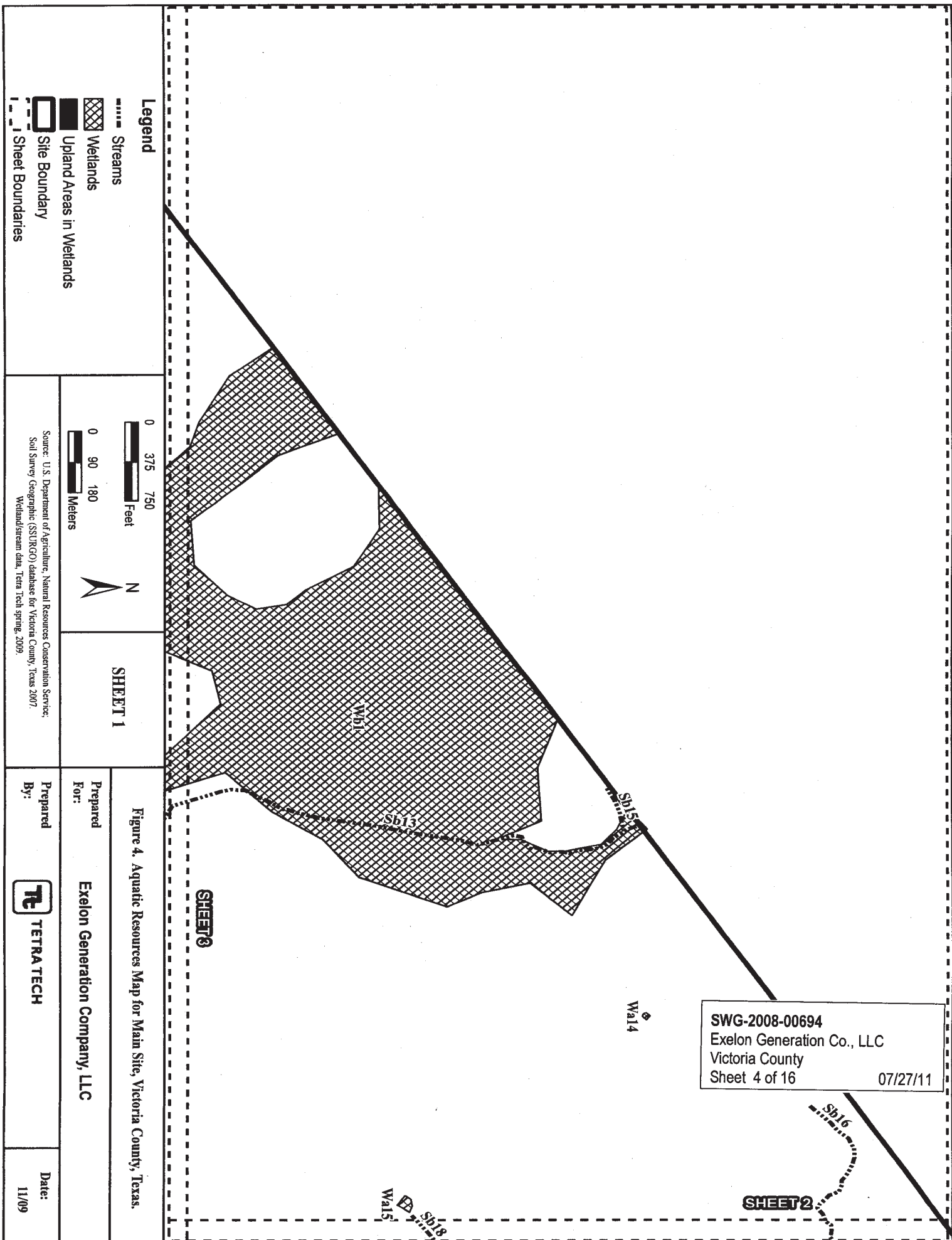
Date:  
11/09

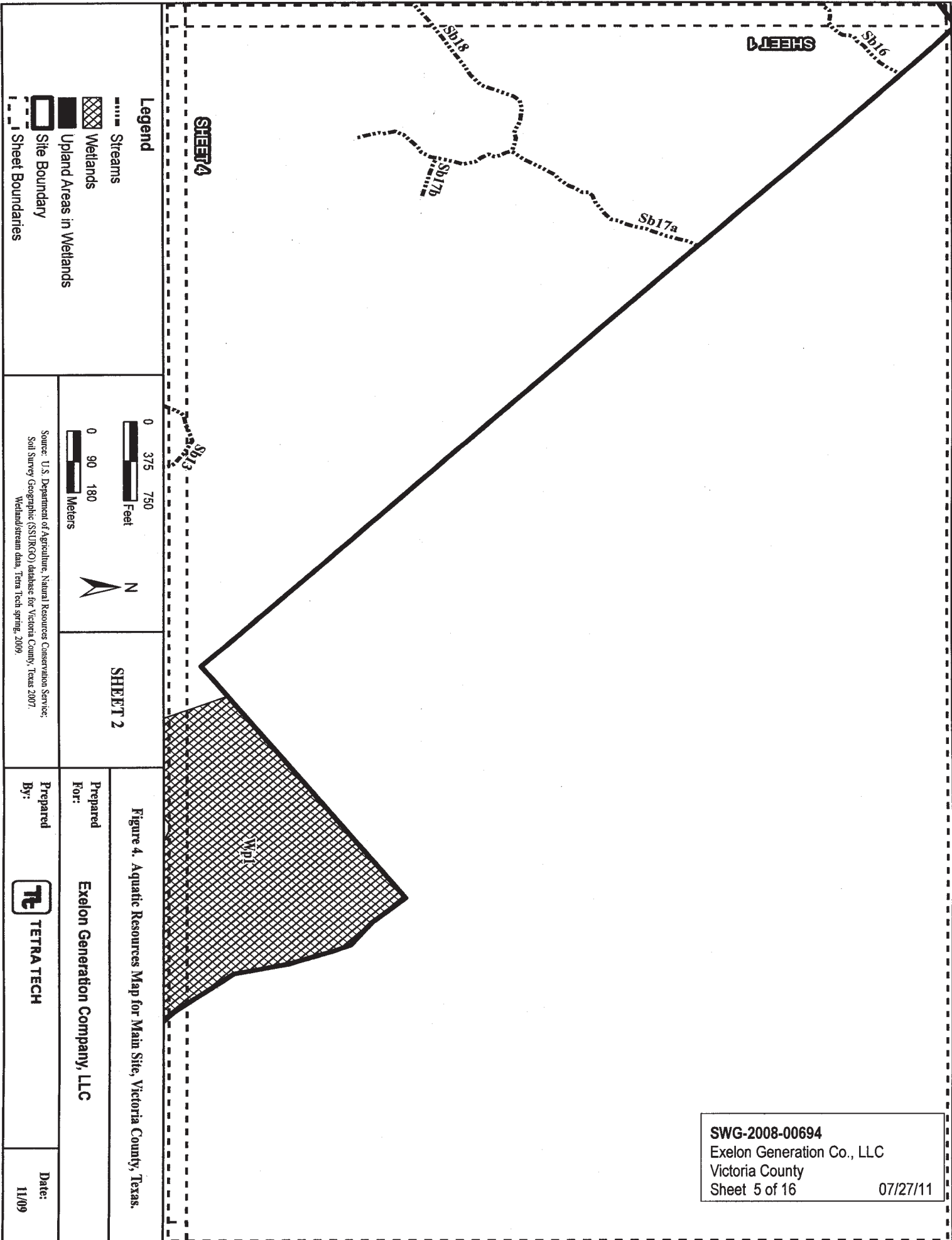
SWG-2008-00694

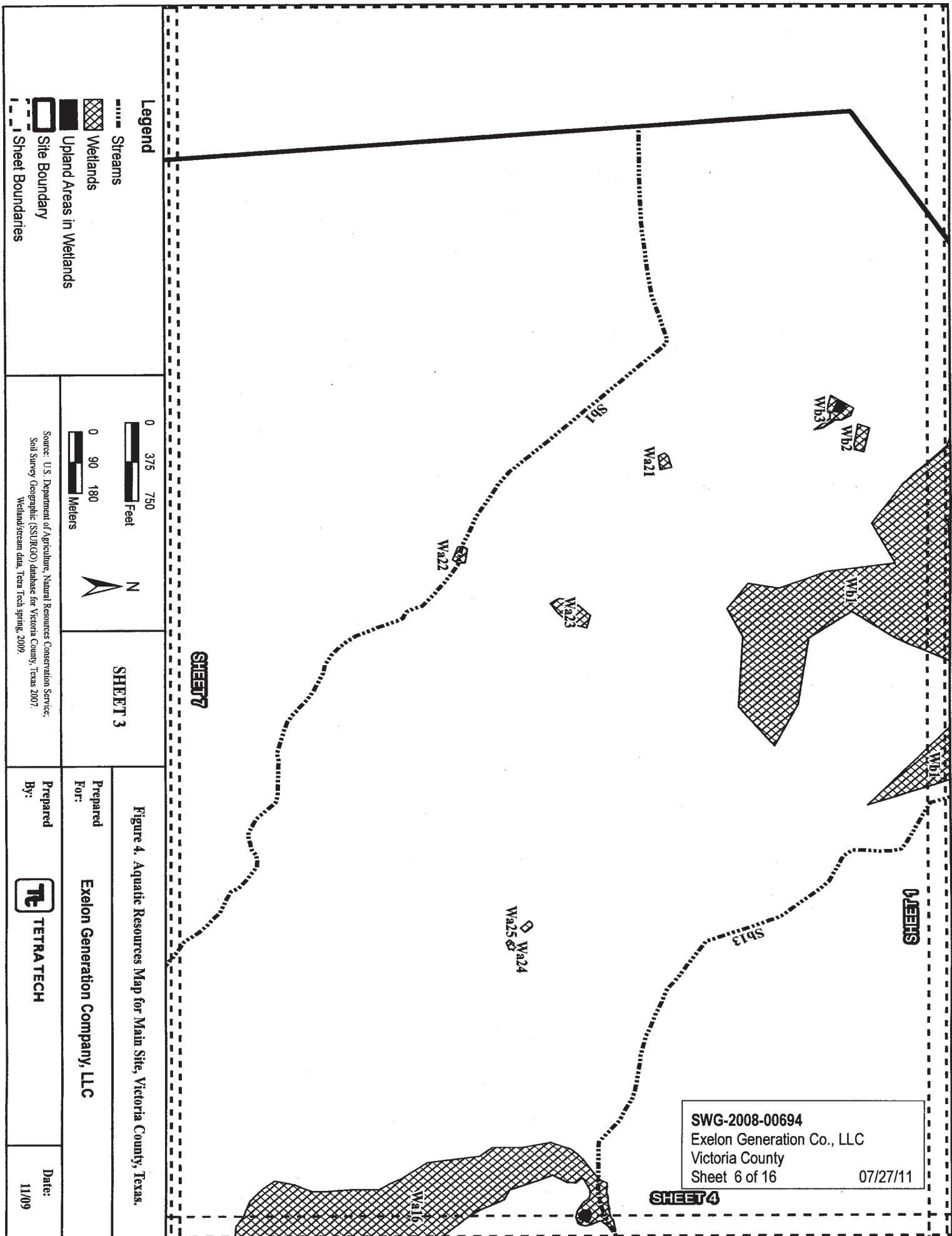
Exelon Generation Co., LLC  
Victoria County  
Sheet 3 of 16

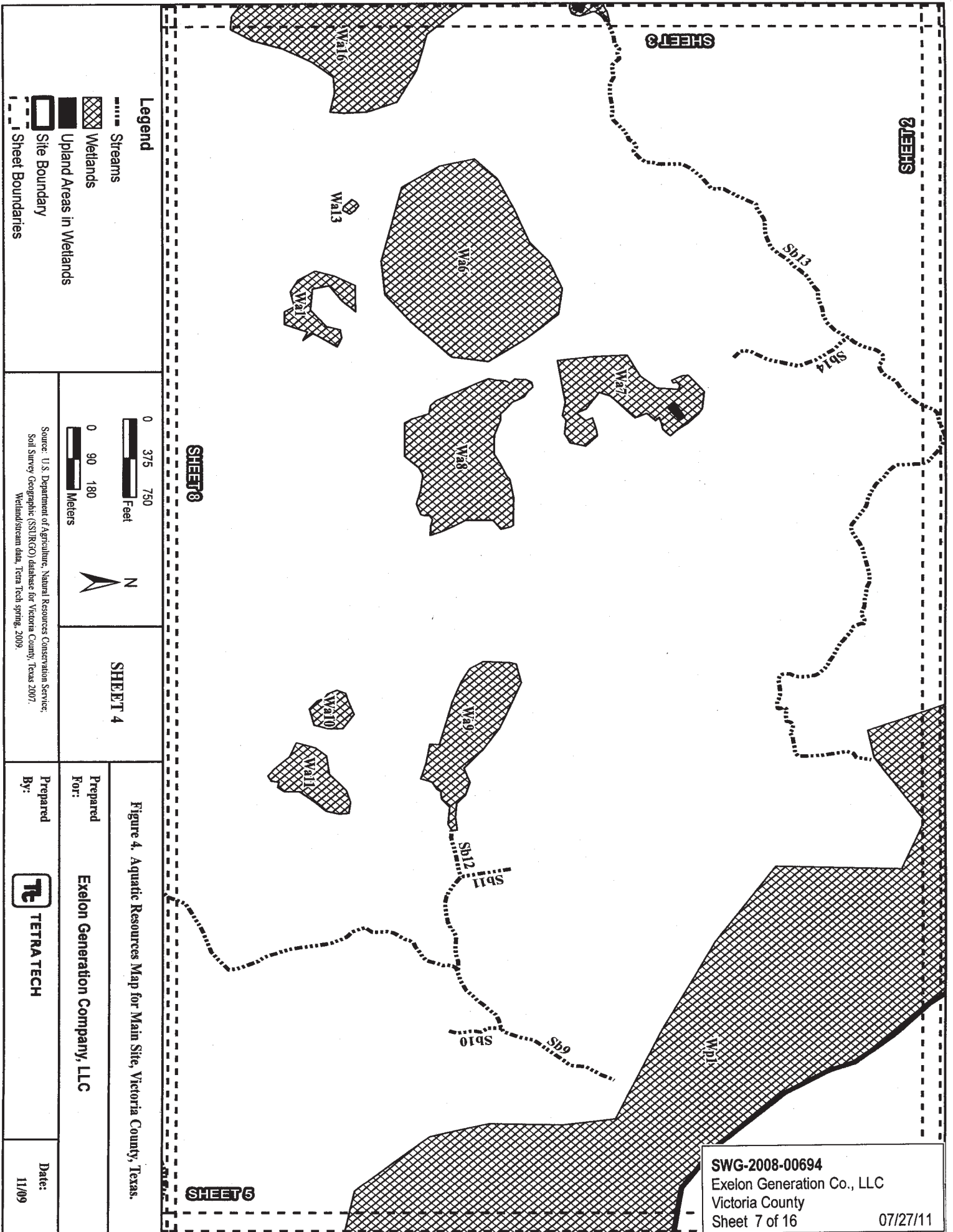
07/27/11











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**SHEET 4**

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**SHEET 6**

**SHEET 9**

**Legend**

-  Streams
-  Wetlands
-  Upland Areas in Wetlands
-  Site Boundary
-  Sheet Boundaries

0 375 750  
 Feet

0 90 180  
 Meters



**SHEET 5**

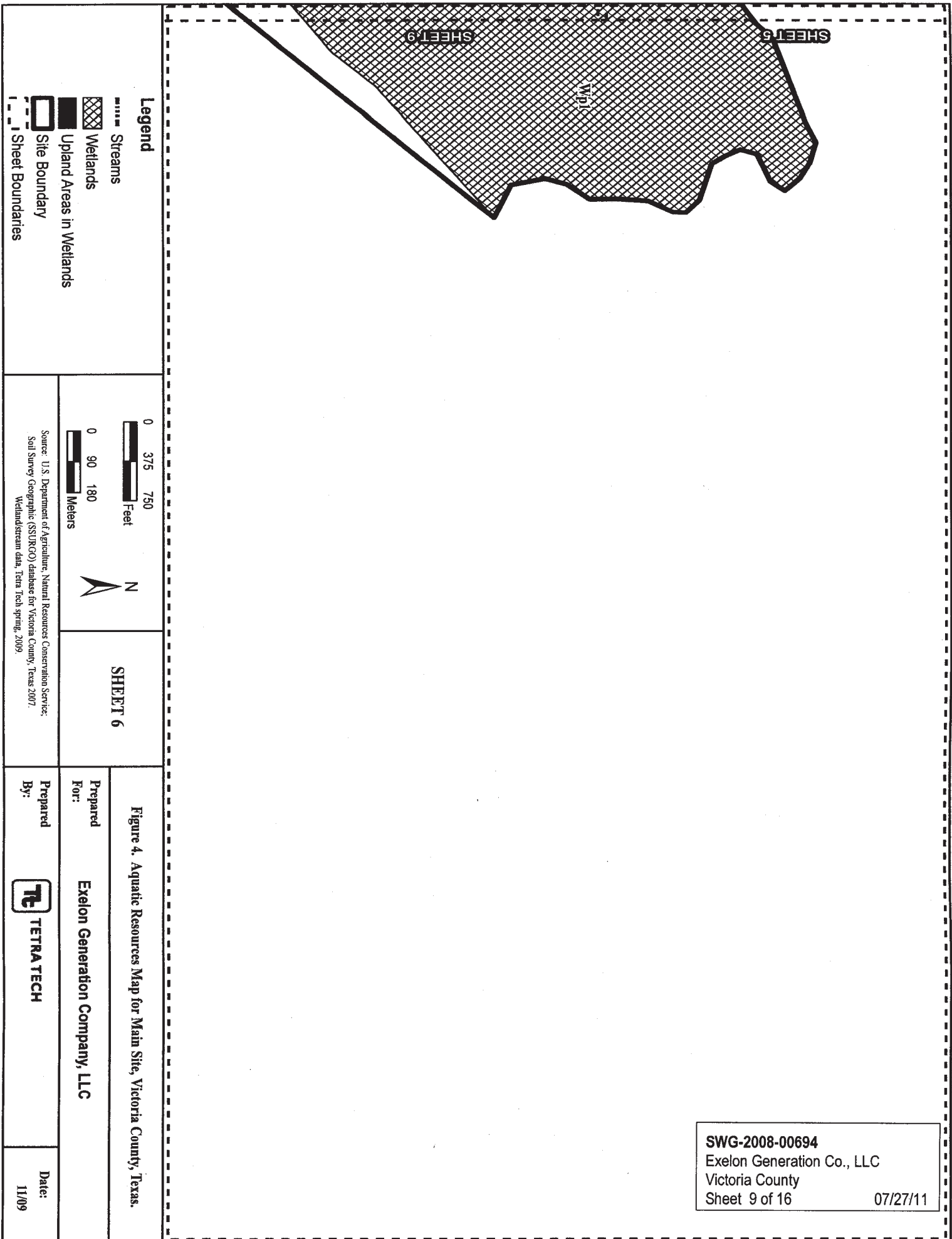
**Figure 4. Aquatic Resources Map for Main Site, Victoria County, Texas.**

Prepared For:  
**Exelon Generation Company, LLC**

Prepared By:  
 **TETRA TECH**

Date:  
 11/09





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Exelon Generation Co., LLC  
Victoria County  
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**Legend**

- Streams
- Wetlands
- Upland Areas in Wetlands
- Site Boundary
- Sheet Boundaries

0 375 750  
Feet

0 90 180  
Meters



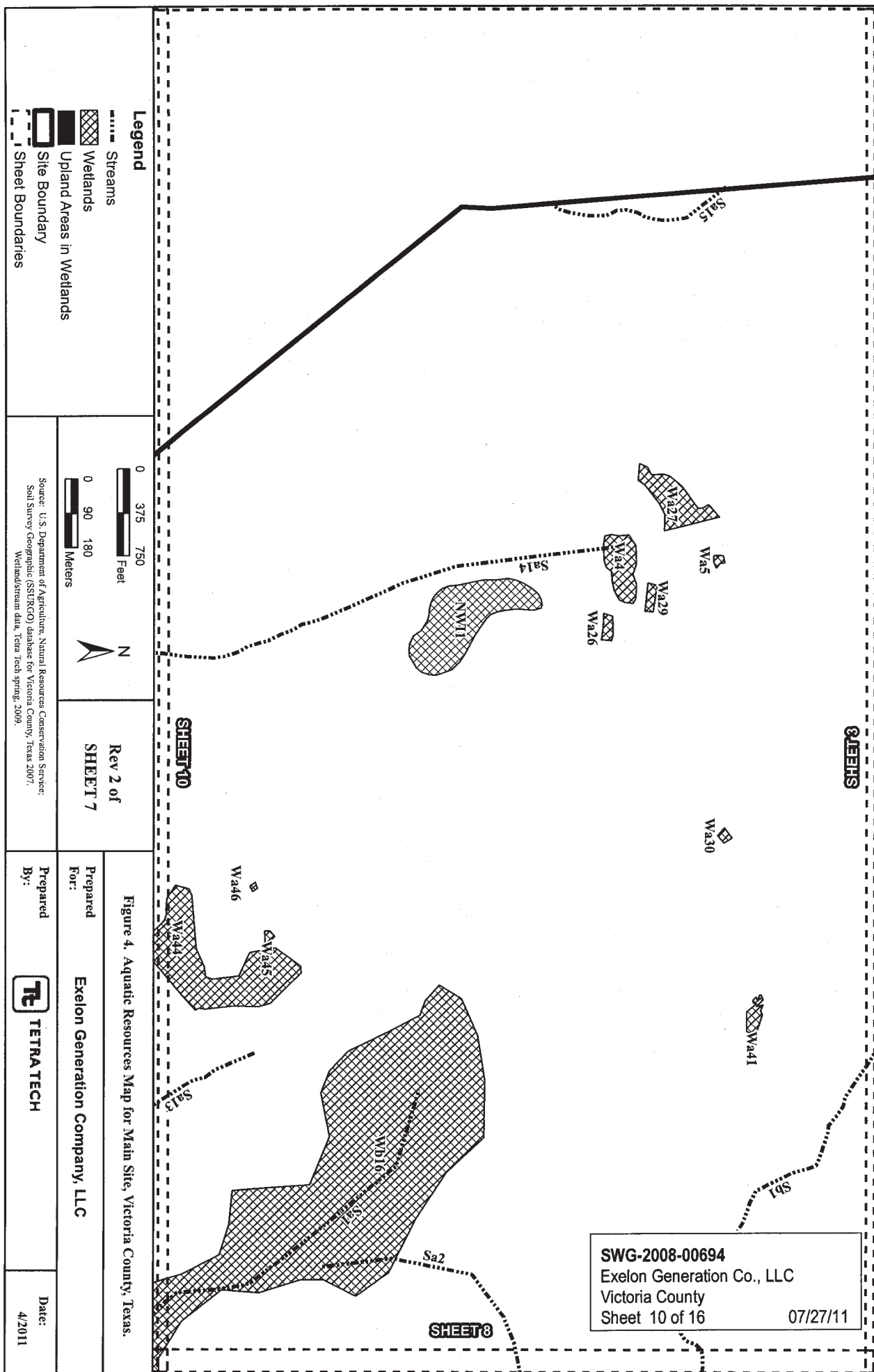
SHEET 6

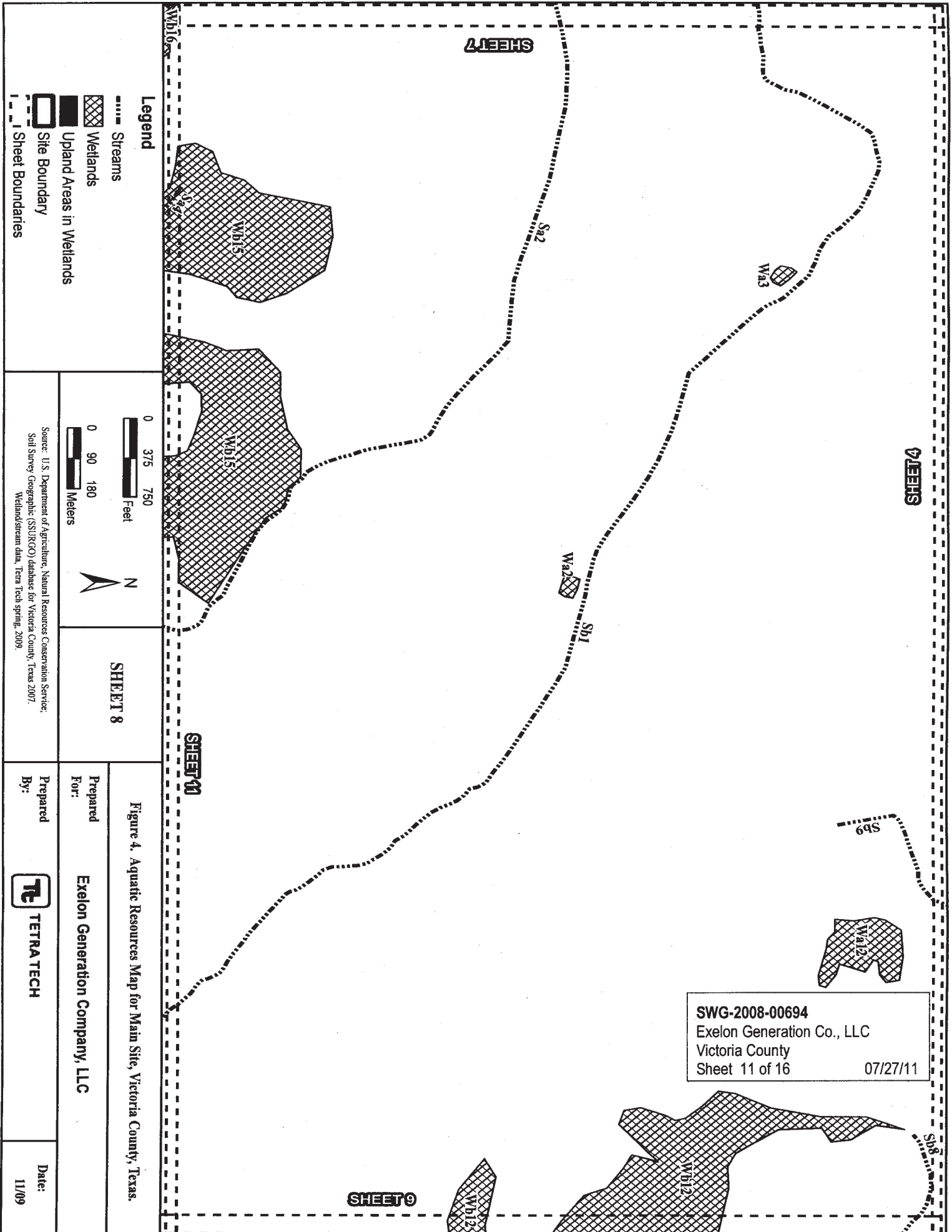
Figure 4. Aquatic Resources Map for Main Site, Victoria County, Texas.

Prepared For:  
Exelon Generation Company, LLC

Prepared By:  
TETRA TECH

Date:  
11/09





SWG-2008-00694  
 Exelon Generation Co., LLC  
 Victoria County  
 Sheet 11 of 16  
 07/27/11

Figure 4. Aquatic Resources Map for Main Site, Victoria County, Texas.

Prepared For:  
 Exelon Generation Company, LLC

Prepared By:  
 TETRA TECH

Date:  
 11/09

Legend

- Streams
- Wetlands
- Upland Areas in Wetlands
- Site Boundary
- Sheet Boundaries

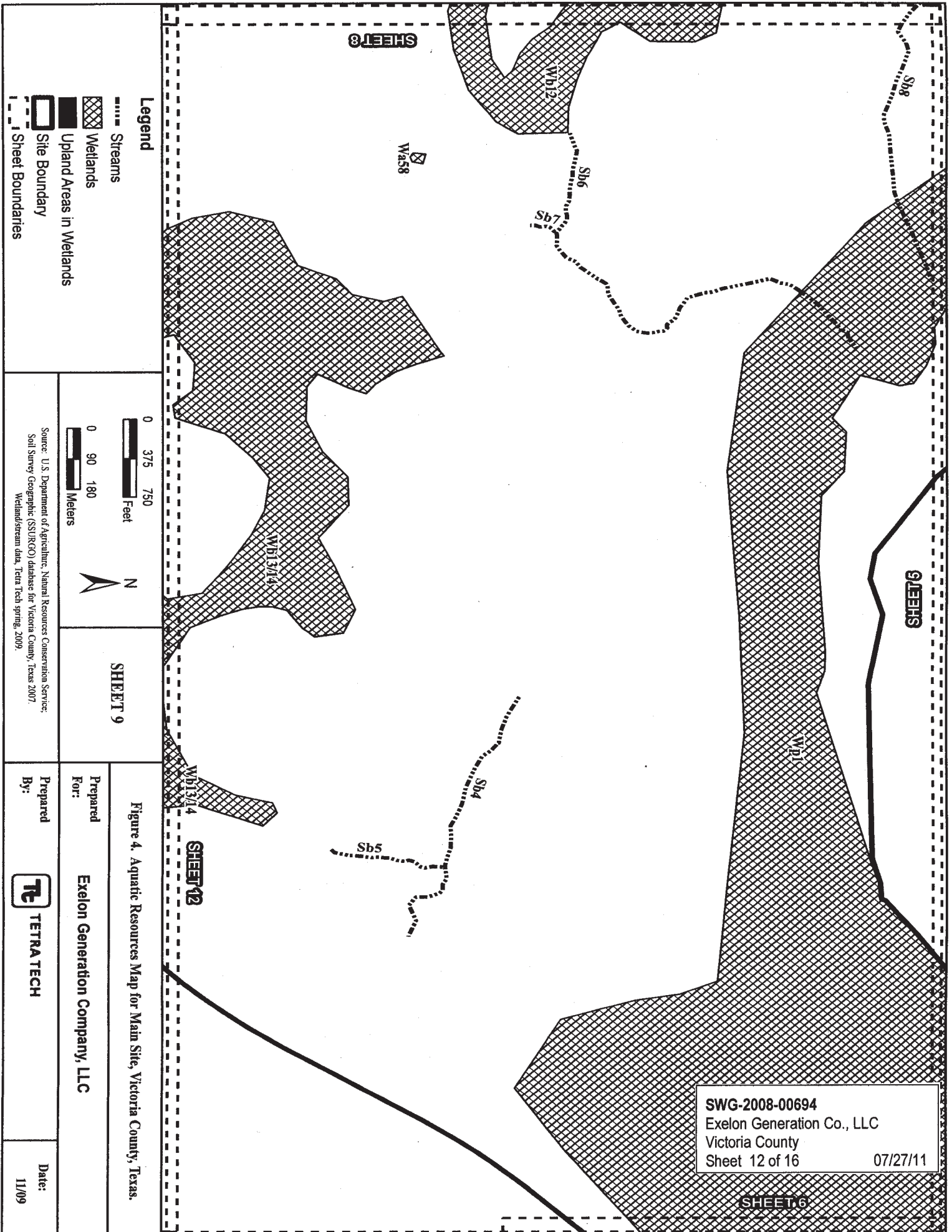
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 Feet

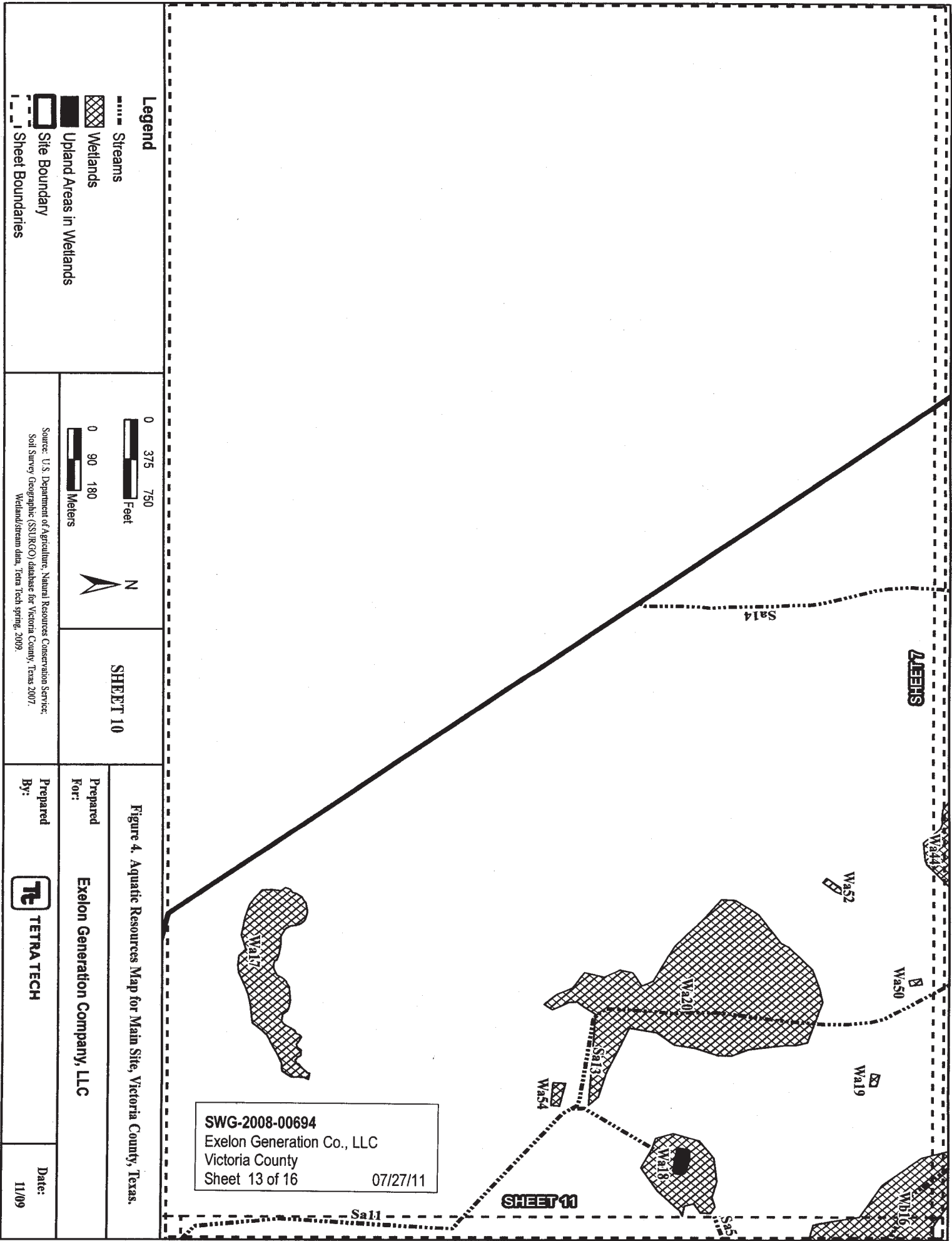
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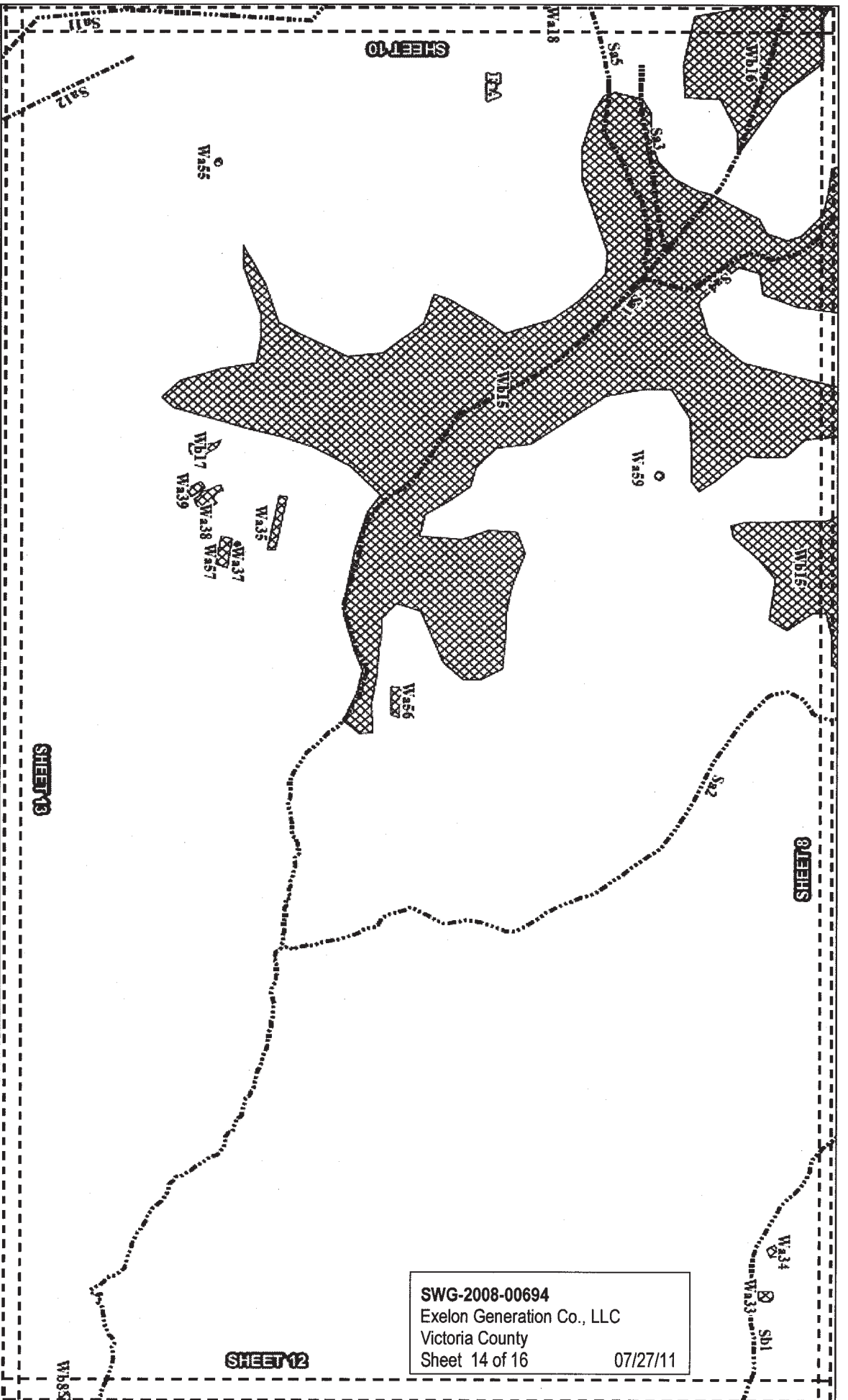
SHEET 8

Source: U.S. Department of Agriculture, Natural Resources Conservation Service;  
 Soil Survey Geographic (SSURGO) database for Victoria County, Texas 2007.  
 Wetland/stream data, Tetra Tech spring, 2009.





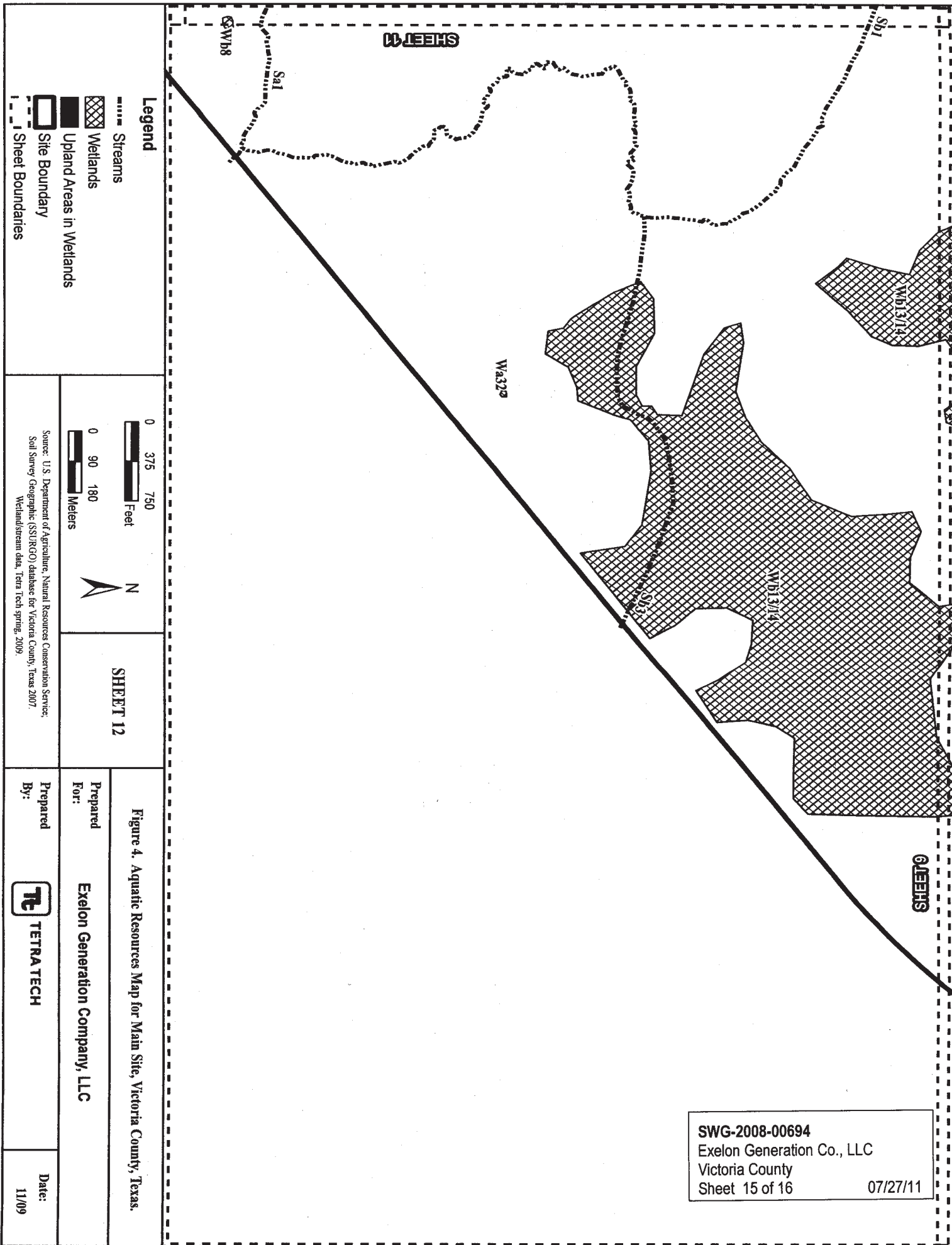




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 Exelon Generation Co., LLC  
 Victoria County  
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 07/27/11

|  |  |   |                                 |   |
|--|--|---|---------------------------------|---|
| <p><b>Legend</b></p> <p>Streams</p> <p>Wetlands</p> <p>Upland Areas in Wetlands</p> <p>Site Boundary</p> <p>Sheet Boundaries</p> |  | <p>0 376 750</p> <p>0 90 180</p> <p>Feet</p> <p>Meters</p> <p>N</p> | <p>Rev 1 of</p> <p>SHEET 11</p> | <p>Figure 4. Aquatic Resources Map for Main Site, Victoria County, Texas.</p> <p>Prepared For:</p> <p>Exelon Generation Company, LLC</p> <p>Prepared By:</p> <p>TETRA TECH</p> <p>Date:</p> <p>4/2011</p> |
|--|--|---|---------------------------------|---|

Source: U.S. Department of Agriculture, Natural Resources Conservation Service; Soil Survey Geographic (SSURGO) database for Victoria County Texas 2007; Wetland stream data, Terra Tech spring 2009.







**ATTACHMENT**

**PRELIMINARY JURISDICTIONAL DETERMINATION FORM**

**BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): SWG-2008-00694**

**B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:**  
Exelon Generation Company, LLC.; 300 Exelon Way, Kennett Square,  
Pennsylvania 19348

**C. DISTRICT OFFICE, FILE NAME, AND NUMBER:**Galveston, Exelon  
Victoria County Station Site, SWG-2008-00694

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:** 13  
miles south of Victoria, east side of State Highway 77, Victoria County, TX  
**(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES  
AT DIFFERENT SITES)**

State:TX County/parish/borough: Victoria City: Victoria  
Center coordinates of site (lat/long in degree decimal format): Lat. 28.7963°  
N, Long. -96.9715° E.

Universal Transverse Mercator: 14  
Name of nearest waterbody: Guadalupe River and Linn Lake

Identify (estimate) amount of waters in the review area:

Non-wetland waters: 147,059 linear feet: width (ft) and/or  
acres.

Cowardin Class: Riverine

Stream Flow:

Wetlands: 1849.34 acres.

Cowardin Class: Emergent

Name of any water bodies on the site that have been identified as Section 10  
waters:

Tidal:

Non-Tidal:

**E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT  
APPLY):**

☒ Office (Desk) Determination. Date: January to May 2011

☒ Field Determination. Date(s): 8/26/08 & 4/7/09

1. The Corps of Engineers believes that there may be jurisdictional waters of the  
United States on the subject site, and the permit applicant or other affected party

who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there "*may be*" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

**SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply**

- checked items should be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Tetra Tech Inc.; dated January 2010.

☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☒ Office concurs with data sheets/delineation report.

☒ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps:

☐ Corps navigable waters' study:

☐ U.S. Geological Survey Hydrologic Atlas:

☐ USGS NHD data.

☐ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24000; Bloomington, Bloomington SW, Raisin, McFaddin.

☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey Geographic (SSURGO) for Victoria County, 2007.

☒ National wetlands inventory map(s). Cite name: NWI webbase wetland mapper: <http://137.227.242.85/wetland/wetland.html>.

☐ State/Local wetland inventory map(s):

☒ FEMA/FIRM maps: 480637 0175B; 9/18/87.

☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

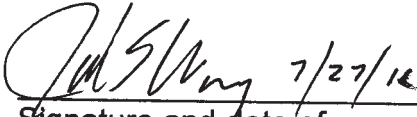
☒ Photographs: ☒ Aerial (Name & Date): USDA 2005, NAIP 2004 & 2010, GoogleEarth (1/14/95, 1/27/96, 10/22/05, 10/31/08, 1/31/09), Bing (USGS 2010).


or ☐ Other (Name & Date):

☐ Previous determination(s). File no. and date of response letter:

☒ Other information (please specify): Aerial Survey and Topographic Map of Exelon Victoria County Station Site by P2 Energy Solutions; dated 4/22/09; 428 sheets; 1 foot contours; site inspection dated 8/26/08 & 4/7/09.

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

  
Signature and date of  
Regulatory Project Manager

  
Signature and date of  
person requesting preliminary JD

| <b>Waters_Name</b> | <b>Cowardin_Code</b> | <b>Area (acres)</b> | <b>Linear (ft)</b> | <b>Latitude(dd nad83)</b> | <b>Longitude dd nad83)</b> | <b>JD Class</b> |
|--------------------|----------------------|---------------------|--------------------|---------------------------|----------------------------|-----------------|
| Wa1                | PEM1A                | 3.72                |                    | 28.6128                   | -97.0072                   | Sec. 404        |
| Wa4                | PEM1A                | 2.58                |                    | 28.6035                   | -97.0351                   | Sec. 404        |
| Wa5                | PEM1C                | 0.14                |                    | 28.6057                   | -97.0348                   | Sec. 404        |
| Wa6                | PEM1F                | 38.51               |                    | 28.6177                   | -97.0085                   | Sec. 404        |
| Wa7                | PEM1A                | 10.64               |                    | 28.6208                   | -97.0054                   | Sec. 404        |
| Wa8                | PEM1A                | 18.95               |                    | 28.6167                   | -97.006                    | Sec. 404        |
| Wa9                | PEM1A                | 10.92               |                    | 28.6157                   | -96.9971                   | Sec. 404        |
| Wa10               | PEM1A                | 1.88                |                    | 28.6126                   | -96.9974                   | Sec. 404        |
| Wa11               | PEM1A                | 4.69                |                    | 28.6123                   | -96.9967                   | Sec. 404        |
| Wa12               | PEM1A                | 6.04                |                    | 28.608                    | -96.9918                   | Sec. 404        |
| Wa16               | PEM1C                | 41.88               |                    | 28.6119                   | -97.0167                   | Sec. 404        |
| Wa17               | PEM1A                | 10.68               |                    | 28.5784                   | -97.024                    | Sec. 404        |
| Wa18               | PEM1A                | 6.39                |                    | 28.5877                   | -97.0236                   | Sec. 404        |
| Wa20               | PEM1A                | 36.71               |                    | 28.5882                   | -97.0221                   | Sec. 404        |
| Wa22               | PUSC                 | 0.27                |                    | 28.6154                   | -97.0338                   | Sec. 404        |
| Wa23               | PEM1A                | 1.01                |                    | 28.6175                   | -97.0321                   | Sec. 404        |
| Wa24               | PEM1A                | 0.09                |                    | 28.6166                   | -97.0231                   | Sec. 404        |
| Wa26               | PEM1A                | 0.38                |                    | 28.6029                   | -97.0333                   | Sec. 404        |
| Wa27               | PEM1A                | 3.14                |                    | 28.6054                   | -97.0361                   | Sec. 404        |
| Wa29               | PEM1C                | 0.36                |                    | 28.6041                   | -97.0342                   | Sec. 404        |
| Wa32               | PUBF                 | 0.05                |                    | 28.5831                   | -96.974                    | Sec. 404        |
| Wa35               | PEM1A                | 0.55                |                    | 28.5813                   | -97.0035                   | Sec. 404        |
| Wa37               | PUSC                 | 0.03                |                    | 28.5806                   | -97.0035                   | Sec. 404        |
| Wa38               | PUSC                 | 0.44                |                    | 28.5798                   | -97.0047                   | Sec. 404        |
| Wa39               | PEM1F                | 0.17                |                    | 28.5797                   | -97.0048                   | Sec. 404        |
| Wa44               | PEM1A                | 11.63               |                    | 28.5946                   | -97.0244                   | Sec. 404        |
| Wa45               | PEM1C                | 0.13                |                    | 28.5951                   | -97.0258                   | Sec. 404        |
| Wa46               | PEM1C                | 0.06                |                    | 28.5946                   | -97.027                    | Sec. 404        |
| Wa54               | PEM1A                | 0.37                |                    | 28.5836                   | -97.0189                   | Sec. 404        |
| Wa55               | PEM1C                | 0.06                |                    | 28.5803                   | -97.0124                   | Sec. 404        |
| Wa56               | PEM1A                | 0.35                |                    | 28.5839                   | -96.9995                   | Sec. 404        |
| Wa57               | PEM1A                | 0.42                |                    | 28.5802                   | -97.0031                   | Sec. 404        |
| Wa59               | PUSC                 | 0.08                |                    | 28.5892                   | -97.0052                   | Sec. 404        |
| Wb1                | PEM1A                | 207.16              |                    | 28.6305                   | -97.0286                   | Sec. 404        |

PRELIMINARY JURISDICTIONAL DETERMINATION for SWG-2008-00694 (Exelon Generation Co., LLC/Victoria Co. Site) 5/13/2011

|                            |        |        |        |         |          |          |
|----------------------------|--------|--------|--------|---------|----------|----------|
| Wb2                        | PUSC   | 0.44   |        | 28.6241 | -97.0363 | Sec. 404 |
| Wb3                        | PEM1C  | 0.72   |        | 28.6236 | -97.0374 | Sec. 404 |
| Wb5                        | PEM1A  | 25.67  |        | 28.5682 | -96.9946 | Sec. 404 |
| Wb7                        | PEM1A  | 12.97  |        | 28.5735 | -96.9861 | Sec. 404 |
| Wb8                        | PUBFx  | 0.15   |        | 28.5771 | -96.9837 | Sec. 404 |
| Wb9                        | PUBFx  | 0.43   |        | 28.5737 | -96.9922 | Sec. 404 |
| Wb10                       | PEM1A  | 0.07   |        | 28.5734 | -96.9925 | Sec. 404 |
| Wb11                       | PEM1C  | 2.69   |        | 28.5685 | -97.0012 | Sec. 404 |
| Wb12                       | PEM1A  | 50.01  |        | 28.6039 | -96.9838 | Sec. 404 |
| Wb13 / Wb14                | PEM1A  | 245.42 |        | 28.5949 | -96.9762 | Sec. 404 |
| Wb15                       | PEM1Ad | 222.21 |        | 28.589  | -97.0102 | Sec. 404 |
| Wb16                       | PEM1A  | 88.92  |        | 28.5902 | -97.0144 | Sec. 404 |
| Wp1                        | L1UBH  | 769.75 |        | 28.6178 | -96.9805 | Sec. 404 |
| NWI 1                      | PEM1A  | 9.41   |        | 28.5995 | -97.0334 | Sec. 404 |
| Wb17                       | PEM1A  | 0.34   |        | 28.5799 | -97.0058 | Sec. 404 |
| Stream Sa1 (Unnamed)       | R4UB   |        | 17,522 | 28.5903 | -97.0117 | Sec. 404 |
| Stream Sa2 (Unnamed)       | R4UB   |        | 13,781 | 28.5863 | -96.9946 | Sec. 404 |
| Stream Sa3 (Unnamed)       | R6UB   |        | 1,399  | 28.5886 | -97.0123 | Sec. 404 |
| Stream Sa4 (Unnamed)       | R6UB   |        | 1,656  | 28.5908 | -97.0103 | Sec. 404 |
| Stream Sa5 (Unnamed)       | R6UB   |        | 2,083  | 28.5877 | -97.016  | Sec. 404 |
| Stream Sa6 (Kuy Creek)     | R2UB   |        | 5,408  | 28.5602 | -97.0052 | Sec. 404 |
| Stream Sa7 (Unnamed)       | R6UB   |        | 1,163  | 28.5462 | -97.0055 | Sec. 404 |
| Stream Sa8 (Unnamed)       | R4UB   |        | 775    | 28.5633 | -97.0092 | Sec. 404 |
| Stream Sa9 (Unnamed)       | R4UB   |        | 238    | 28.5664 | -97.0128 | Sec. 404 |
| Stream Sa10 (Unnamed)      | R4UB   |        | 183    | 28.5672 | -97.0122 | Sec. 404 |
| Stream Sa11 (Unnamed)      | R4UB   |        | 5,636  | 28.5781 | -97.0159 | Sec. 404 |
| Stream Sa12 (Unnamed)      | R6UB   |        | 1,641  | 28.5784 | -97.0148 | Sec. 404 |
| Stream Sa13 (Unnamed)      | R6UB   |        | 4,485  | 28.59   | -97.0211 | Sec. 404 |
| Stream Sa14 (Unnamed)      | R6UB   |        | 6,484  | 28.6007 | -97.0347 | Sec. 404 |
| Stream Sa15 (Unnamed)      | R6UB   |        | 1,627  | 28.6057 | -97.0435 | Sec. 404 |
| Stream Sb1 (Dry Kuy Creek) | R4UB   |        | 33,506 | 28.6196 | -97.0386 | Sec. 404 |
| Stream Sb3 (Unnamed)       | R4UB   |        | 3,729  | 28.5857 | -96.9682 | Sec. 404 |
| Stream Sb4 (Unnamed)       | R6UB   |        | 2,419  | 28.5987 | -96.9624 | Sec. 404 |
| Stream Sb5 (Unnamed)       | R6UB   |        | 950    | 28.5961 | -96.9618 | Sec. 404 |
| Stream Sb6 (Unnamed)       | R6UB   |        | 4,200  | 28.6024 | -96.9757 | Sec. 404 |
| Stream Sb7 (Unnamed)       | R6UB   |        | 225    | 28.6008 | -96.9782 | Sec. 404 |

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\* A0050 B7 Joshua TAMBLYN, Exelon Generation Co., 6/9/11

\*\* Accepted By John Wong, CERFO 6/15/11



[illegible]

REMOVED BY:  
\* Joshua Tremblay  
EXELON GENERATION CO.  
6/9/11

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

|   |  |                             |                    |
|---|--|-----------------------------|--------------------|
| Applicant: Exelon Generation Company, LLC |  | File Number: SWG-2008-00694 | Date: 28 July 2011 |
| Attached is:                              |  |                             | See Section below  |
|   | INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) | A                           |                    |
|   | PROFFERED PERMIT (Standard Permit or Letter of permission)         | B                           |                    |
|   | PERMIT DENIAL  | C                           |                    |
|   | APPROVED JURISDICTIONAL DETERMINATION                              | D                           |                    |
| X   | PRELIMINARY JURISDICTIONAL DETERMINATION                           | E                           |                    |

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/CECW/Pages/reg\\_materials.aspx](http://www.usace.army.mil/CECW/Pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

If you only have questions regarding the appeal process you may also contact:

Mr. Elliott Carman  
Administrative Appeals Review Officer (CESWD-PDO)  
U.S. Army Corps of Engineers  
1100 Commerce Street, Suite 831  
Dallas, Texas 75242  
469-487-7061 (phone)

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

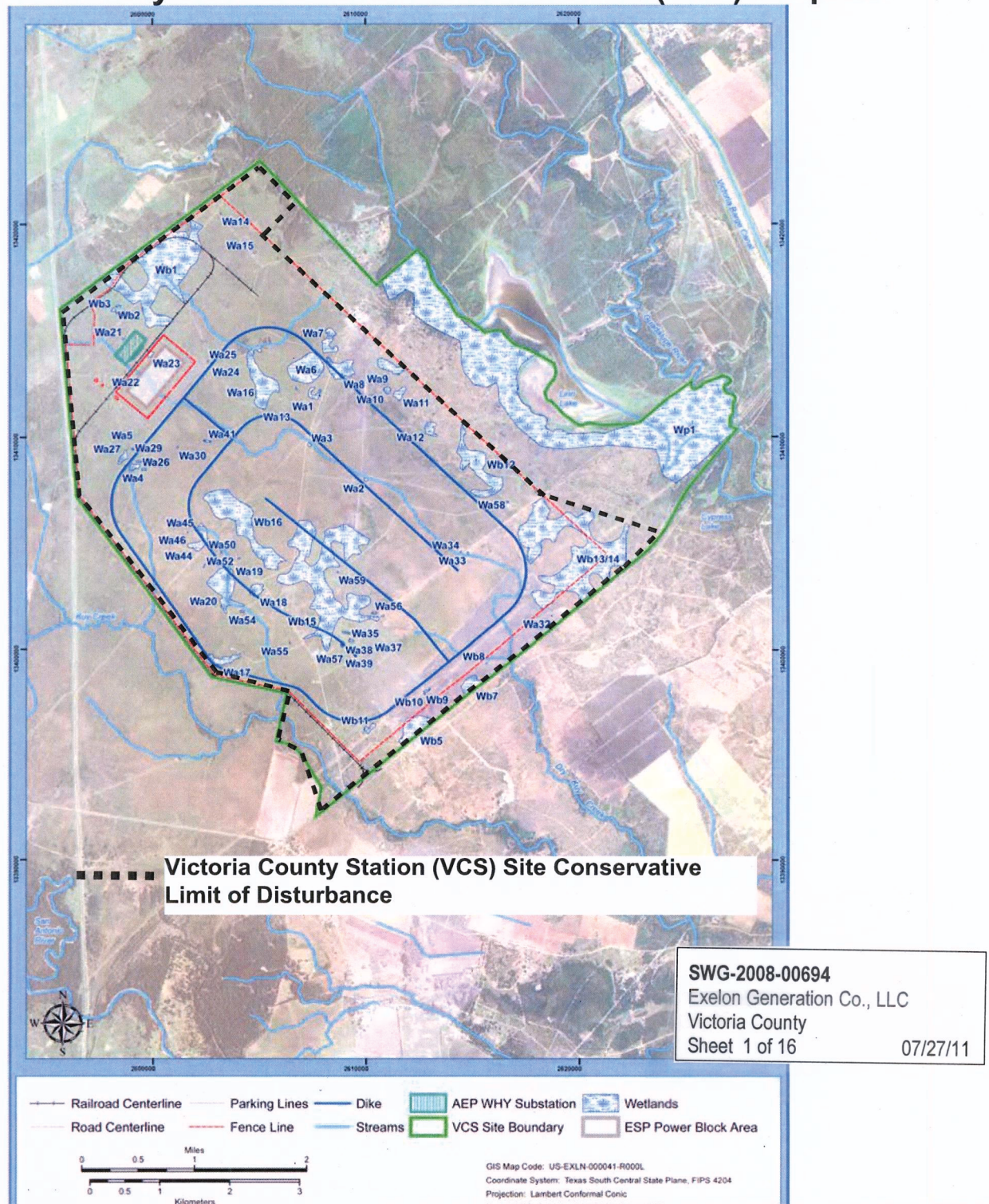
Date:

Telephone number:

\_\_\_\_\_  
Signature of appellant or agent.



**Figure 1. Conservative Limit of Disturbance -  
VCS Preliminary Jurisdictional Determination (PJD) Request**



### Notes:

1. The "Conservative Limit of Disturbance" presented herein is provided for the sole purpose of delineating those wetlands that are included in the VCS PJD request. See VCS Early Site Permit (ESP) Application Environmental Report (ER) Figure 4.1-1 for the anticipated VCS Construction Area of Disturbance.
2. Although wetland Wp1 is located beyond the Conservative Limit of Disturbance, Exelon is requesting a preliminary determination of the jurisdictional status to support future mitigation planning activities.
3. This figure is adapted from VCS ESP Application ER Figure 2.3.1-11 "Existing Streams and Wetlands".
4. Figure 1 was revised to Rev. 1 on 7/8/11 by Joshua Trembley of Exelon, replacing Figure 1 in Exelon's June 2, 2011 letter to the USACE.